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Grant, Corrie

How to obtain allotments

[London]

[1888?]

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HOW TO OBTAIN ALLOTMENTS.

A SIMPLE EXPLANATION OF THE ALLOTMENTS
ACTS, 1887.

By CORRIE GRANT,
(OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW).

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HOW TO OBTAIN ALLOTMENTS.

The Allotments Act passed in the last Session of Parliament came into operation on September 16th, 1887. Its object is to make it more easy for the labouring classes to obtain allotments. The explanation of the Act which follows will be more clear to those who have read the Act. The references in brackets are to the sections.*

The Act is limited in a variety of ways. It does not supply allotments everywhere to everyone. It requires that there shall be persons who want allotments, and who cannot obtain them at a reasonable rent and on reasonable conditions in the ordinary way. But whether these persons are in towns or in villages does not matter. Everywhere all over the country the Authority constituted by the Act can under certain conditions supply allotments, and it can also under other conditions supply cow pastures. The Authority must of course get the land before it can let it, and before it takes any land it must be of opinion that all expenses it incurs in the matter can be paid out of the rents of the allotments. It may either hire land, or take it on lease, or buy it by agreement, or force the owner, under certain conditions, to sell it. But in every case the Authority must be of opinion that the transaction will "pay its way." This is a matter left entirely to the Authority. If it refuses to undertake the provision of allotments, it cannot be forced to do so. If it undertakes the work it cannot be stopped. The only way in which the actions of the Authority can be controlled is by the voters turning the members out of office when the time for which they are elected expires, and putting in other men who will do what the electors want. If the Authority decides to provide allotments, and has obtained land, it can drain it, fence it,

* [Messrs. King and Son, of Canada Building, King Street, Westminster, will supply copies at 2d. each. It is sufficient in writing to ask for copies of the Allotments Act, 1887.]

lay it out, and adapt it for use. It will then be let in lots, to "persons belonging to the labouring population," at a fixed rent, and to the rent will be added a certain sum for rates and taxes.

No person will be allowed to hold more than one acre, unless there are lots which are vacant, and then the Authority may let them to anyone for the best rent to be had. The Authority must not demand more than a quarter's rent in advance. If a tenant is forty days in arrear with his rent, or if he does not obey the rules laid down for managing the allotments, or if he has gone to live more than a mile from the place for which the allotments are provided, he can be turned out by the Authority at a month's notice. He will receive compensation from the Authority for his improvements if he cannot make an agreement with the incoming tenant for them. The Authority has power to appoint allotment managers, but these can also be directly elected if one-sixth of the Parliamentary electors present a petition to the Authority asking that allotment managers may be elected. An election by ballot will thereupon take place, and the elected managers will take up the management of the allotments, and will hold office for three years.

These are the main provisions of the Act, so far as it affects those who require allotments. The next step is to explain the Act in detail.

What is the Authority which has to provide allotments in any place? It is the body in that place which hitherto has done other work, and is known as the "Sanitary Authority." This body is differently made up in different places. All England, except London, is divided into urban and rural sanitary districts. Urban sanitary districts consist of places which are governed either by a Corporation (that is, by a mayor, aldermen, and town council), or by a Local Board, or by Improvement Commissioners, and in these places these bodies are the "Sanitary Authority." Rural sanitary districts consist of, practically, the Unions in all the rest of England, and in them the "Sanitary Authority" is the Board of Guardians. The distinction must be borne in mind, for in urban districts the area for which allotments are to be provided is the *District* governed, but in rural sanitary districts the area is to be the *Parish*, unless two parishes choose to unite. Whenever these words are used for the future, they will have this special meaning,

and to emphasize and mark it, they will always be printed in *italic*, while for shortness the Sanitary Authority will throughout be spoken of as the "Authority."

All members of these bodies (except certain *ex officio* members of the Boards of Guardians) have at certain times to retire from office. If, therefore, an Authority has refused to put the Act in force, or has said that it cannot obtain land at a price that will pay, the electors, if they think it in the wrong, can return other men to carry out their wishes, while equally of course, if an Authority has unwisely taken land for allotments, and has put the ratepayers to expense, the members composing that Authority can be rejected when they present themselves for re-election.

How is the Authority set in motion? Any town councillor, alderman, or mayor, any member of a Local Board, any Improvement Commissioner, and any Guardian can move in the matter, if he thinks there is a need for allotments in the *District* or *Parish*, or even if he is not certain of the matter, and wishes to ascertain whether there is any such demand. The best course to take will probably be to give notice of a formal motion—

"That the Clerk be requested to ascertain by advertisement in the local papers and otherwise as he shall think fit, whether there is a demand for allotments or cow pastures for the labouring population, and whether or not allotments or cow pastures can now be obtained on reasonable conditions by voluntary arrangement in the District of—," or "in the Parish of—."

The notice follows the words of the Act (Section 2), and the section clearly intends by the words "or otherwise," that the Authority shall, if it chooses, make such an inquiry. It is submitted that the expenses of such an inquiry can by Section 10 be defrayed out of the general funds, unless the further step is taken of providing allotments, when the expenses in a rural Sanitary Authority must be charged to the Parish. These expenses can only amount, at most, to a few pounds in each district, and while great good may result by disclosing a demand for allotments, the inquiry in any case must have a good effect by proving that the local authorities entrusted with this very important work by Parliament, are anxious to carry out the good intentions of the Legislature to the utmost of their power.

But if the Authority does not make such an inquiry of itself the

We, the undersigned, registered Parliamentary electors or ratepayers resident in _____ do hereby represent to the Sanitary Authority for the _____ district that there is a demand for allotments for the labouring population in this place, and such allotments cannot be obtained at a reasonable rent and on reasonable conditions by voluntary arrangement between the owners of land suitable for allotments and the applicants for the same.

NAME.	RESIDENCE AND DESCRIPTION.	QUANTITY REQUIRED.

The form must be signed by at least *six* persons, who must be either Parliamentary electors or ratepayers, living in the *District or Parish*. There will probably be no difficulty in ascertaining whether or not a man is a voter. Who are ratepayers can be ascertained by application to the overseer, who is bound by law to show the rate-books.* Of course there is no objection to more than six signatures. In fact, as many as possible should be obtained.

* 6 and 7 William IV., c. 96, sec. 5, persons rated to the relief of the poor are to be allowed at all reasonable times to take copies or make extracts therefrom, and a penalty not exceeding £5 is the punishment for refusing or not permitting them to do so.

After all the voters and ratepayers have signed the form, it may also be signed by any other residents in the *District* or *Parish* who require allotments. For instance, a young labourer of eighteen or twenty, living at home with his parents, may be earning full wages, and be very anxious to have an allotment. He cannot be one of the six to sign the requisition, because he is neither an elector nor a ratepayer. Yet the Authority, if it does obtain land for allotments, is [by Section 2] to let it "to persons belonging to the labouring population resident in the *District* or *Parish* desiring to take "allotments. The young labourer could therefore hire an allotment, if he liked, and if all the persons wanting allotments sign the requisition the Authority will know about how much land is wanted for allotments. A line should be drawn across the form where the signatures of the electors and ratepayers end. Then these words should be written :—"The following also desire allotments." This may come the other signatures.

It is to be observed that the allotments are to be let to "persons belonging to the labouring population." The Act does not say men, but persons, and this is a word of wider meaning than men, and undoubtedly includes women. Therefore, single women and widows, if they have the money to pay the rent of an allotment, and would like to have one, should also sign the requisition. The regulations to be framed by the Authority, which will be mentioned again later on, may exclude women from hiring allotments. But there is no reason why this should be so.

Where the labourers in a *District or Parish* get up the requisition themselves they will find it convenient to obtain the help as secretary of someone of good education, who understands correspondence. If this is impossible, let them appoint one of their number as secretary. Let each subscribe a small sum (say twopence) to pay for paper and postage and out-of-pocket expenses. The requisition should be written at the top of a big sheet of paper, with plenty of room for the names, and the signatures put below. If any one desires to sign who cannot write, the secretary may write his name for him, and the man can

add a **X**, and after this the secretary should write "his mark" and add his own name. The sheet will then look like this:—

HIS JOHN SMITH, X (JOHN BROWN.) MARK. Alma Cottages.	DESCRIPTION.	QUANTITY.
	Labourer.	$\frac{1}{4}$ Acre.

The name of the man and where he lives, and the quantity he wants, and the name of the secretary must be put in place of John Smith and John Brown, and Alma Cottages and $\frac{1}{4}$ of an acre.

When the requisition is fully signed the secretary should make a copy of it (to keep), and then send it to the clerk of the Authority. With it he should send a letter like this, putting at the top the name of the place and the date:—

DEAR SIR,

I send you herewith a requisition from this place, signed in accordance with the Allotments Act, 1887. Will you be kind enough to lay it before your Board at its next meeting? I have been asked to act as their secretary by the persons who have signed the requisition, and I shall be obliged if you will let me know, on their behalf, the result of their application to the Board.

I am, dear Sir,

Yours faithfully,

To
Clerk to the Esq.,

In towns there will be no difficulty in ascertaining the name of the clerk, but it may be that in some country parishes the name of the clerk will not be known. In this case it will be enough to address the letter as follows: "To the Clerk to the Board of Guardians," and to add the name of the place where the Guardians meet, or where the workhouse is.

The receipt of the requisition will be duly acknowledged by the clerk, and the next step is for the Authority to consider it.

What the Authority can do. If the Act is to be administered successfully, and if the intentions of Parliament are to be turned

to the best account, it is all important that each of the steps prescribed by the Act should be taken in their order by the Authority. Everyone interested in the extension of allotments and in helping the labouring classes, should insist on this. Section 2 describes exactly what is to be done. *First.* The Authority must ascertain whether there really is "a demand for allotments." The requisition itself will be some proof of this, and the Authority must be satisfied that the requisition is a thoroughly genuine one, and not based on any misstatements or misapprehensions. It will also probably take other means of ascertaining whether there is such a demand as alleged by some independent inquiry, and the exact nature and extent of the demand. *Second.* It must be satisfied that "allotments cannot be obtained at reasonable rent and on reasonable conditions from the owners of suitable land." Here again the Authority ought to make careful inquiries. Landowners are often willing to supply land for allotments, but are unaware of the labourers' wants. The experience of recent years has shown that often where the want has been made known it has been supplied. In many cases, and especially where there are resident landlords, the Authority may do much to help the labourers to allotments; the clerk may be asked to write to the landowners of the locality, stating that a requisition for allotments has been presented to the Authority and inquiring whether they are willing to let land for the purpose "at a reasonable rent and on reasonable conditions." It will often be said, no doubt, that it is useless making such inquiries. But on the one hand, the Authority ought to obtain all the information in its power before coming to a decision, and on the other it may by some such step make further action on its own part unnecessary. Through it the labourers may learn the disposition of the landlord, and the landlord may hear for the first time of the wants of the men.* There is a further advantage from correspondence with the landowners. It may help the Board in the next step to be taken. Some landlords may be willing to supply the needs of their labourers

* In the case of a requisition presented to the Skepton Local Board in Yorkshire recently by some of the Cleveland miners, it was stated by the clerk that the owner of the larger part of the district was a resident landlord, who would, no doubt, have willingly supplied allotments had he been aware of the demand for them.

themselves, when they know their wants. But the management of allotments takes a good deal of time, the laying out of the land in plots involves some expense, and there is sometimes a little uncertainty about the rent on the landlord's part. General experience does not justify this feeling, for the very large majority of allotment tenants pay their rents with regularity; but the feeling does exist. Therefore many persons may not care to incur the trouble involved in managing allotments themselves.

As a consequence of all these considerations many landlords will be willing to let land to a third person—to the Authority itself, for example—to be plotted out as allotments, who would not undertake the letting of it themselves.

When it is satisfied that the demand for allotments exists, the Authority has next to ascertain that allotments cannot be obtained by voluntary arrangement: (1) At a reasonable rent and (2) on reasonable conditions. Of course, if allotments are wanted and no land is to be had on any terms, this inquiry will not be necessary. But there is also the possibility that allotments are to be had, which the requisitionists and their friends refuse to take or cannot take. Then before the Authority can go further, it must satisfy itself also on these two points. On the first it is greatly helped by the words of the second section. "Reasonable rent" is there defined as—

"The rent, exclusive of rates, taxes, and title rent charge, which a person taking an allotment might reasonably be expected to pay, taking one year with another, to a landlord, having regard to the value of similar land in the neighbourhood, to the extent and situation of the allotment, to the expenses of adapting the land to the purposes of the allotment and to the repairs and other outgoings payable by the landlord, and to the cost and risk of collecting the rents of, and otherwise managing, allotments."

This definition sets out the points to which attention will have to be paid under the first sub-head. What next are "reasonable conditions"? The Act explains, indirectly, by defining in Section 6 the regulations which the Authority may make for the management of its own allotments. The section says:—

"Such regulations may define the persons eligible to be tenants of such allotments, and the notices to be given for the letting thereof, and the size of the allotments, and the conditions under which they are to be cultivated, and the rent to be paid for them."

Therefore conditions might fairly be condemned as unreasonable which limited the holding of an allotment to persons holding particular religious or political views, or to members of a particular club or institution, or to the workmen of one master or set of masters, or to men employed in one particular trade or industry. Without attempting an accurate definition of the words "reasonable conditions," it is submitted that such conditions must have reference to the allotment—to rent, management, cropping, quitting, and so on, and not to the person desiring to take it. Put in other words, the Act evidently desires to put an allotment, at a reasonable rent and on reasonable conditions as to tenancy and management, within the reach of every person belonging to the labouring population resident in any *District or Parish*. When the Authority is satisfied that there is a demand for allotments and that allotments cannot be obtained at a reasonable rent and on reasonable conditions, it must next satisfy itself that it can "reasonably expect" to pay all expenses out of the rents. The words are that the Authority

"Shall not acquire land for allotments save at such price or rent that in the opinion of the Sanitary Authority all expenses (except such expenses as are incurred in making roads to be used by the public) incurred by the Sanitary Authority in acquiring the land and otherwise in relation to the allotments, may reasonably be expected to be recouped out of the rents obtained in respect thereof."

This clause must, it is submitted, prevent the compulsory purchase of land for allotments. Many persons will contend that if rent, or interest on purchase-money, and all the expenses of administration have to come out of the allotment rents, it will be impossible for the Authority to "reasonably expect to recoup" itself. Put in another way, if the Authority can make allotments pay in any place the demand for them ought to be supplied voluntarily by persons who would save all the expenses of management which must inevitably be incurred by the Authority, and so make a larger profit. It is the advantages given to the Authority by the Act which make these voluntary provisions so useful. The Authority makes its agreements with the rates behind it. It is certain to be able to fulfil its contracts. Therefore many a landlord who would refuse to let land for allotments direct to the labourers, or to a committee acting for them, because of the uncertainty of letting, the trouble of

collecting so many small rents, and the friction in management, or because, in the event of loss, of the unpleasantness of making a voluntary committee supply it, will think it quite another matter to let to the Authority. If the Authority is of opinion that the allotments may reasonably be expected to clear themselves it

"Shall by purchase or hire acquire any suitable land which may be available, whether within or without their District, or Parish, adequate to provide a sufficient number of allotments."

The Authority has peculiar powers conferred upon it. It can borrow money on the security of the rates to buy, to improve, and to adapt land for allotments (Sections 5 and 10), to be repaid by a sinking fund, and if the repayment does not extend beyond thirty years the Public Works Loan Commissioners lend the money at $3\frac{1}{4}$ per cent. (Lumley's *Public Health*, second edition, p. 279, note.) Under the Lands Clauses, 1845 (8 and 9 Vic. c. 18, Sec. 7, and the following clauses), which is incorporated with the Act (see sec. 3), trustees, corporations, tenants for life, and the representatives of persons under disability, can sell to the Authority. The Settled Land Act also gives special powers to trustees of settled estates. Thus on the one hand the Authority is enabled to borrow money cheaply, and on the other it is enabled to purchase from persons who ordinarily cannot come into the open market to sell, without incurring considerable expense and trouble.

The Authority has also special powers in the hire of land. Any person, or persons, or body corporate, authorised to sell land to it by the Lands Clauses Consolidation Act, may also let land to it without charging any fine or premium for any term not exceeding thirty-five years. (Sections 3 and 7.) This clause should be exceedingly useful to the clergy, who under it can let their glebe to the Authority, and to trustees of charity lands. By the Allotments Extension Act, 1882 (45 and 46 Vic. c. 80), better known perhaps as Mr. Jesse Collings' Act, all trustees who hold lands for the benefit of the poor of any parish, in or adjoining that in which such lands are situate, and whereof the rents or produce are distributed in gifts, doles, &c., are *required* to offer such land, or a part of it, for allotments. The Act has been worked to some extent, but there are many difficulties in its way. Trustees have no funds to spend in laying out fields. Yet if they had all the expense

of adapting the land to one year's fair rent, no one will take the allotments, and if the expense is spread over a series of years, the trustees run the risk of the allotments not letting, and having to pay the difference themselves. This Act enables them to let the land to the Authority, and so to get rid of their difficulties, or to sell it outright.

If the Authority cannot hire or purchase land by agreement it can obtain compulsory powers of purchase. But the procedure for this purpose must be costly. The Authority will have to petition the Local Government Board, which, after a local inquiry, will bring into Parliament a provisional order, giving the Authority power to buy compulsorily the land mentioned in it. If this order is unopposed the average cost is about £25. If the owner of the land objects and opposes it the cost will, at the least, be ten times as much. But owners are not likely to oppose, for the reason that they will get far more for their land under the order than it is really worth. After the order has passed through Parliament there will be an arbitration to settle the value of the land. In fixing the price to be paid for the land, every possible element of value will be considered, and to this will be added at least ten per cent. for forced sale. Then there will be an allowance for "severance," *i.e.*—dividing this particular land from the rest of the farm or estate—for the disturbance of the course of cultivation over the whole farm by taking away this plot, and for the tillages on it. To all this is added the costs of the arbitration. It is not probable that any Authority in the kingdom will be of opinion that all these expenses will be recouped out of the rents.*

These considerations justify, it is submitted, the opinion that the compulsory clauses of the Allotments Act, 1887, will remain a dead letter, but the voluntary clauses may be widely and most beneficially used. The Authority, when it decides to put them in force, will do wisely to record each step already discussed in detail on its minutes. After the receipt of the requisition, the motion already suggested at page 5 may be passed. When the report from the clerk is received the following motion may be submitted:—

* The Aldershot Rural Sanitary Authority recently took compulsorily 9a. 3r. 20p. of land near Aldershot, let on lease at £55 a year. The price was assessed by a jury at £2,350, which of course did not include the costs.

That as the Sanitary Authority for the [*District or Parish*] of we are of opinion that there is a demand for allotments for the labouring population there, and that such allotments cannot be obtained at a reasonable rent and on reasonable conditions by voluntary arrangement between the owners of land suitable for such allotments and the applicants for the same, and that the clerk be requested to ascertain whether land can be bought or hired for allotments, and at what price, and what expenses will be incurred in preparing it for letting it as allotments.

If it appears from the inquiry that suitable land can be had, and the price and the other expenses, as estimated, can be recouped out of the rent of the allotments, then the following motion may be moved:—

That as the Sanitary Authority for the of
 of") £ asked by Mr. for acres of
 land at will enable the Sanitary Authority to recoup all
 expenses incurred in connection therewith out of the allotment rents
 thereof, and that the offer be accepted.

Management and Regulation of Allotments. If the Authority purchases or hires land for allotments, it can in the first place drain and fence it, if necessary make roads to it, acquire approaches to it, and divide it and adapt it for letting in allotments (Sec. 5). In all probability the land will either be acquired at Lady Day, or at Michaelmas, the two usual periods for terminating farm tenancies in England. As to management, the Authority may make regulations (Sec. 6, Sub-sec.), defining (1) who are to be eligible as tenants; (2) the notices as to letting; (3) the size of the allotments; (4) the conditions of cultivation; (5) the rent; and (6) the notice. The regulations must not contravene the Act itself, which as to (1) declares (Sec. 2) that the allotments shall be let to "persons belonging to the labouring population resident in the said *District or Parish*, and desiring to take the same." They should define who are to be considered "the labouring population," and whether blacksmiths, carpenters, shoemakers, and wheelwrights (to take the trades usually represented in a country village) are to be included or not under that phrase. As to (3) the Act again requires (by Sec. 7, Sub-sec. 3) that the allotment shall not exceed one acre, and shall not be sub-let, while as to (5) (by Sec. 7, Sub-sec. 1), not more than a quarter's rent can be demanded in advance. As to the

rent to be charged, an impression widely prevails in the country districts that the Authority will be obliged to let the land at ordinary agricultural rents. This is not so. By Sec. 7, Sub-sec. 1, the rent is to be fixed at such a sum "as may reasonably be expected" to ensure the Authority from loss, and *subject to this condition*, such rents are to be charged as are reasonable having regard to the agricultural value of the land. As to (6) the notice "must be reasonable." The Act itself further provides (by Sec. 7, Sub-sec. 2) that the rates, taxes, and tithes must be charged on each allotment, in addition to the rent, and (by Sec. 7, Sub-sec. 5), that tool-houses, sheds, greenhouses, fowl-houses and pig-styes may be erected on any part of the allotment, but no other building, and that if any other building is put up, the Authority may pull it down, sell the materials, and keep the money as though it were rent—not of course applying it in payment of the rent of the allotment, but using it in the same way as the rents are used. On quitting, the tenant is not allowed compensation for his sheds or other buildings, but he may pull them down if he cannot sell them to the incoming tenant, and in the same way he may take away any fruit trees or bushes he has planted.

The Local Government Board promised during the debates in Parliament on the Bill to frame and publish a model set of regulations. Those approved by the Charity Commissioners under the Allotments Extension Act, besides containing provisions similar to those set out above, deal with the prevention of undue preference, and the preference of applicants. A very valuable collection of rules in use on allotments all over the country will be found in the *Law of Allotments*, by Mr. T. Hall Hall (Longman's and Co.). All the provisions contained in the Act and set out above, should be embodied in the regulations, as the tenants will then have in one document all the conditions under which they hold their allotments. This will prevent misunderstandings. By Sec. 6, Sub-sec. 3, the Authority is to give a copy of the regulations *gratis* to any inhabitant of the *District or Parish* demanding one, and by Sec. 15, it is to keep a register of the allotments, showing the acreage, rent and particulars of tenancy of each, and this register is to be open to the examination of any ratepayer in such manner as the regulations shall prescribe. It

must be remembered also that the regulations are not to be of any force until they have been confirmed by the Local Government Board. This will give opportunities for criticism and amendment.

Allotment Managers. The sections appointing allotment managers in *Parishes* are important, but there is a curious omission, which may make them almost valueless. The Authority may appoint allotment managers, defining their powers as to management and expenditure. But one-sixth of the Parliamentary electors of the *Parish* may petition, after allotments have been provided, for an election of allotment managers, and thereupon an election is to take place. The electors are to be the Parliamentary electors, the poll, if one is demanded, will be by ballot, and anyone can be a candidate who is resident in or in the neighbourhood of the *Parish*, who is not a tenant of an allotment, and who has not been a bankrupt, or imprisoned for any crime, or who has not made any arrangement or composition with his creditors. The flaw in the Act which may make these sections valueless is that the powers of the allotment managers are nowhere defined, and they have no funds, unless the Authority chooses to provide them. The Act merely says (Sec. 9 and Sub-sec. 1) that they shall be the allotment managers in lieu of those appointed by the Authority. But the Authority may have appointed none, and yet the electors may have demanded and obtained an election. Thereupon the Authority may refuse to give the allotment managers any real powers. It is to be hoped that this difficulty will not arise in practice, but that these conditions, passed by Parliament with a sincere regard for the interests of those concerned, will be administered all over the country in a like spirit.

It may be that in some Districts and Parishes this Allotments Act will not come into force at all. The Authority may decide to do nothing. In such a case it is suggested that persons desiring allotments should apply to the Voluntary Allotments Association, 50, Palace Chambers, Bridge-street, S.W., or the Allotments Extension Association, Birmingham.

**END OF
TITLE**